

REMARKS

Claims 1-39 are currently pending in this application. Claims 1-39 stand rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suresh et al. (U.S. Patent Application Publication 2004/0153128), hereafter Suresh in view of Schweikard et al. (U.S. Patent 6,501,981), hereafter Schweikard. Applicant respectfully traverses this rejection for at least the reasons set forth hereafter.

Independent claim 1, as amended, recites a method for medical diagnostic image processing comprising, among other elements “monitoring a scanning speed of the medical imaging system” and “controlling an amount of time for the post-processing operations based on the monitored scanning speed and adjusting an allocated time for post-processing operations based on the monitoring such that scanning operation speed is not slowed.”

The Office Action asserts that “in modern computer systems, the processing units are only capable of processing information, and thereby limiting or controlling the time it takes to move onto the next task, at a definite rate. Control of an amount of time for post-processing would be determined by the speed of the processing unit involved in the transmittal of information regarding the medical images.” (Office Action, page 2). The Office Action goes on to assert that the system of Suresh could “block access to information at a time when an image processing procedure is taking place or being uploaded substantially, and after such a load decreases ... the security system could be deactivated.” (Office Action, page 2).

Modern computer systems perform multiple operations at the same time using a single CPU. The computer systems allocate portions of the CPU processing time to these different operations such that multiple tasks are performed at the same time. Essentially, each operation takes longer to perform when multiple operations or tasks are being performed or are requested. Thus, some operations will slow while the system is processing multiple requests or tasks. Accordingly, these computer systems teach away from the claimed invention as this slowing of some operations is exactly what the claimed invention prevents. In particular, the

claimed invention monitors scanning speed and adjusts “an allocated time for post-processing operations based on the monitoring such that scanning operation speed is not slowed.” The claimed invention is concerned with ensuring that the scanning speed of a medical diagnostic system is not slowed by systems requesting remote access to the processing resources of the system. Noting in the system of Suresh monitors the operating speed of a scanner to ensure that other operations do not slow the scanning. Moreover, the teaching suggested in the Office Action would do exactly the opposite, namely, slow the system, for example, by performing a post-processing task between scanning tasks such that the scanning operation is slowed.

In addition, modifying the security system of Suresh to block access to information at a time when image processing is taking place is not an obvious modification. The security system of Suresh is provided only to restrict the use of secure information, not to limit access based on a monitored scanning speed. Simply because a system may be modified to perform the claimed invention does not mean it is obvious to try. There is nothing in the system of Suresh that would allow monitoring of the speed of scanning operations. Moreover, the system of Suresh is not concerned with time sensitive operations, but is directed to acquiring information over long periods of time. The Office Action provided no support for such a modification. The Schweikard reference fails to make up for the deficiencies in the Suresh reference. Accordingly, Applicant submits that claim 1 is allowable.

Independent claim 24, as amended, recites a method for processing medical image information including, among other elements “generating automatically a request for post-processing upon completion of a scan by the medical imaging system” and “post-processing the medical image information from one of the plurality of remote locations upon receiving the automatically generated request and when a processing utilization threshold for the medical imaging system is below a predetermined value, the medical image information post-processed using the medical imaging system.” Nothing in any of the cited prior art automatically generates a request for post-processing upon completion of a scan. Nothing in the cited art provides such an automatic triggering of such a request. Moreover, automatically generating such a request is not obvious as the prior art does not monitor scanning operations such that a request to a remote location could be automatically generated. Any access in the cited prior art is not based on an

automatic request, but on a manual operation. Accordingly, Applicant submits that claim 24 is allowable.

Independent claim 30 recites a method for medical diagnostic image processing including, among other elements “providing a plurality of groups of individuals for performing post-processing operations on medical image information, each of the plurality of groups associated with a different post-processing service.” The Office Action asserts that the “act of supplying information to different workstations at different geographical areas allows for individuals from different entities than the entity at the geographical to obtain access to the information should the system of Suresh allow such acquisitions.” (Office Action, pages 2-3). However, individuals at the different workstations in the Suresh system are accessing and assessing the same information such that a course or treatment may be determined by a collective knowledge base. In contrast, the claimed invention recited in claim 30 provides groups that are associated with different post-processing operations. Thus, instead of multiple remote locations all accessing the information as in the system of Suresh, only that remote location having, for example, specialized knowledge for the particular post-processing operation accesses the medical information. The system of Suresh teaches away from such distributed access as the remote access is not divided as in the claimed invention. Accordingly, Applicant submits that claim 30 is allowable.

Independent claim 33 recites a medical imaging system including, among other elements “a user interface at each of the remote locations for accessing the medical image information within the medical imaging device using the plurality of communication links and for post-processing the medical image information, the post-processing performed by individuals at the remote locations using the medical imaging device and access to the medical image information allowed only when imaging operations of the medical imaging device are complete.” As discussed in more detail above in connection with claims 1 and 24, the cited prior art does not perform monitoring of the scanning operation to thereafter provide any type of notification for performing subsequent actions from remote locations. Accordingly, Applicant submits that claim 33 is allowable.

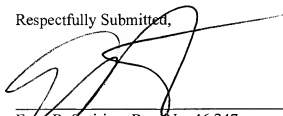
Independent claim 34 has been amended to clarify the recitation of a “predetermined time.” Specifically, independent claim 34 has been amended to recite a system for post-processing medical images remotely including, among other elements “a post-processing system configured to allow performing of post-processing operations remotely at a pre-defined time after completion of scanning operations for a day and before scanning operations on a subsequent day.” Nothing in the cited art describes or renders obvious a system as recited in claim 34 wherein remote post-processing operation are allowed at specific times of the day based on scanning operations. Accordingly, Applicant submits that claim 34 is allowable.

Applicant submits that the Schweikard reference fails to make up for the deficiencies in the Suresh reference.

Applicant also submits that the dependent claims (claim 2-23, 25-29, 31, 32 and 35-39) are allowable based at least on the dependency of these claims from the independent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



Eyan R. Sotiriou, Reg. No. 46,247
THE SMALL PATENT LAW GROUP LLP
611 Olive, Suite 1611
St. Louis, MO 63101
(314) 584-4082
(314) 584-4061 (Fax)